

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

LARRY EUGENE POLING,	§	
PETITIONER,	§	
	§	
v.	§	CIVIL CASE No. 3:24-CV-0494-D
	§	
STATE OF TEXAS,	§	
RESPONDENT.	§	

ORDER

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. No objections were filed. The undersigned district judge reviewed the proposed findings, conclusions, and recommendation for plain error. Finding none, the court adopts the findings, conclusions, and recommendation of the United States Magistrate Judge.

Pursuant to Federal Rule of Appellate Procedure 22(b), Rule 11(a) of the Rules Governing § 2254 proceedings, and 28 U.S.C. § 2253(c), the court denies a certificate of appealability. *See Stringer v. Williams*, 161 F.3d 259, 262 (5th Cir. 1998) (requiring state pretrial detainee challenging pending criminal charges to obtain a certificate of appealability following district court’s denial of petition under 28 U.S.C. § 2241). In light of the ruling in this case, the court concludes that petitioner has failed to show (1) that reasonable jurists would find this court’s “assessment of the constitutional claims debatable or wrong,” or (2) that reasonable jurists would find “it debatable whether the petition states a valid claim of the denial of a constitutional right” and “debatable whether [this court] was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).


If petitioner files a notice of appeal, petitioner

☐ may proceed *in forma pauperis* on appeal.

☒ must pay the \$605.00 appellate filing fee or submit a motion to proceed *in forma pauperis*.

SO ORDERED.

May 28, 2024.



SIDNEY A. FITZWATER
SENIOR JUDGE